

### **REMARKS**

Claims 1-10, 13 and 15-21 are under prosecution. Claims 1-4, 6, 10 and 13 and 18-21 were rejected. Claims 16-17 were objected to.

The Examiner maintained the restriction of the claims. Claims 1, 16 and 17 were objected to as being an improper Markush grouping. Applicants are canceling non-elected subject matter without prejudice, while preserving the right to file and prosecute divisional applications thereon. Thus, the elected claims are drawn to compounds of formula I wherein one of X and Y is N, and the other is CH and M is a piperazine, piperidine or pyrrolidine, as well as the compositions and methods of use. Claims 1, 16 and 17 have been suitably amended to reflect this fact. Applicant believes that the present amendment has addressed the concern of the Examiner. Withdrawal of the objection is, therefore, respectfully requested.

New claims 19-21 were objected to as being new matter. Those claims are now canceled.


Claims 1-4, 6, 7, 10, 13, 15 and 18 were rejected under U.S.C. §112, first paragraph. The Examiner stated that the amendments to cover piperazine, piperidine and pyrrolidine for M will be acceptable. The present amendment limits M to these species. Withdrawal of the rejection is, therefore, respectfully requested. New claims 22 and 23 are added to separately claim the piperidine and pyrrolidine species since only the piperazine species is claimed in claim 5.

Claims 13-15 and 18 were rejected under U.S.C. §112, first paragraph, for the listing of various diseases associated with the H<sub>3</sub> receptor. The present amendment limits the diseases to airway and gastrointestinal disorders. Withdrawal of the objection is, therefore, respectfully requested.

There being no other rejection pending, Applicant believes that the claims, as amended, are patentable over the art. Such an action is earnestly requested. If the Examiner has questions, the Examiner is invited to contact the undersigned.

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Respectfully submitted,



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